

Assembly Bill No. 2791

Passed the Assembly August 23, 2000

Chief Clerk of the Assembly

Passed the Senate August 22, 2000

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Sections 17307.5 and 81133.5 to the Education Code, and to add Section 16017.5 to the Health and Safety Code, relating to facilities construction.

LEGISLATIVE COUNSEL'S DIGEST

AB 2791, Alquist. School and essential services facilities: stop work notice.

Existing law, the Field Act, provides for seismic safety review and approval of school building design and construction by the Department of General Services. Existing law sets forth requirements relating to the construction and seismic safety of essential services facilities, as defined.

This bill would, notwithstanding any provision of law to the contrary, authorize the Department of General Services to issue a stop work order when construction work on a public school, a community college, or an essential services facility, as defined, is not being performed in accordance with existing law and would compromise the structural integrity of the building thereby endangering the public. The bill would provide that a public board, body, or officer whose construction work on a public school, community college, or essential services facility is subject to a stop work order shall not be held liable in any action filed against the public board, body, or officer for stopping work as required by the stop work order, or for any delays caused by compliance with the stop work order, except as provided. The bill would also require the Department of General Services to allow construction of incidental and minor nonstructural additions or nonstructural alterations without invoking its stop work authority.

The people of the State of California do enact as follows:

SECTION 1. Section 17307.5 is added to the Education Code, to read:



17307.5. (a) Notwithstanding any provision of law to the contrary, including, but not limited to, Title 15 (commencing with Section 3082) of Part 4 of the Civil Code, the Department of General Services may issue a stop work order when construction work on a public school is not being performed in accordance with existing law and would compromise the structural integrity of the building, thereby endangering the public safety. The Department of General Services shall allow construction of incidental and minor nonstructural additions or nonstructural alterations without invoking its stop work authority.

(b) A school district, county superintendent of schools, county board of education, or other public board, body, or officer whose construction work on a public school is subject to a stop work order issued pursuant to subdivision (a) shall not be held liable in any action filed against the public board, body, or officer for stopping work as required by the stop work order, or for any delays caused by compliance with the stop work order, except to the extent that an error or omission by the public board, body, or officer is the basis for the issuance of the stop work order.

SEC. 2. Section 81133.5 is added to the Education Code, to read:

81133.5. (a) Notwithstanding any provision of law to the contrary, including, but not limited to, Title 15 (commencing with Section 3082) of Part 4 of the Civil Code, the Department of General Services may issue a stop work order when construction work on a community college is not being performed in accordance with existing law and would compromise the structural integrity of the building, thereby endangering the public safety. The Department of General Services shall allow construction of incidental and minor nonstructural additions or nonstructural alterations without invoking its stop work authority.

(b) A community college district or other public board, body, or officer whose construction work on a community college is subject to a stop work order issued



pursuant to subdivision (a) shall not be held liable in any action filed against the public board, body, or officer for stopping work as required by the stop work order, or for any delays caused by compliance with the stop work order, except to the extent that an error or omission by the public board, body, or officer is that basis for the issuance of the stop work order.

SEC. 3. Section 16017.5 is added to the Health and Safety Code, to read:

16017.5. (a) Notwithstanding any provision of law to the contrary, including, but not limited to, Title 15 (commencing with Section 3082) of Part 4 of the Civil Code, the Department of General Services may issue a stop work order when construction work on an essential services facility is not being performed in accordance with existing law and would compromise the structural integrity of the building, thereby endangering the public safety. The Department of General Services shall allow construction of incidental and minor nonstructural additions or nonstructural alterations without invoking its stop work authority.

(b) A public board, body, or officer whose construction work on an essential services facility is subject to a stop work order issued pursuant to subdivision (a) shall not be held liable in any action filed against the public board, body, or officer for stopping work as required by the stop work order, or for any delays caused by compliance with the stop work order, except to the extent that an error or omission by the public board, body, or officer is the basis for the issuance of the stop work order.



Approved _____, 2000

Governor

